REMARKS

Claims 1-24 were originally filed in the present application.

Claims 1, 3-9, 11-17, and 19-24 are pending in the present application.

Claims 1-24 were rejected in the July 15, 2005 Office Action.

No claims have been allowed.

Claims 1, 9 and 17 are amended herein.

Claims 2, 10 and 18 are cancelled herein.

Reconsideration of the claims is respectfully requested.

In Sections 5 and 6 of the July 15, 2005 Office Action, the Examiner rejected Claims 1, 3-9, 11-17 and 19-24 under 35 U.S.C. §103(a) as being unpatentable over an article entitled: "Performance evaluation of TCP/RLP protocol stack over the CDMA wireless link" by *Bao* (the "Bao reference") in view of an article entitled: "Wireless Device Configuration (OTASP/OTAPA) via ACAP" by *Gellens* (the "Gellens reference") in further view of U.S. Patent No. 5,241,598 to *Raith* (the "Raith reference"). Applicant respectfully disagrees.

Applicant asserts that the Bao reference, either alone or taken in combination with the Gellens and Raith references, does not disclose or make obvious all the necessary elements required by amended Claims 1, 9 and 17. Moreover, there is no motivation for one skilled in the art to selectively combine elements of the Bao, Gellens and Raith references and then *seek out* other elements as required by amended Claims 1, 9 and 17. For example, Applicant asserts that neither the Bao, Gellens and Raith references, taken individually or in combination, teach or make obvious, an

encryption controller capable of converting said IP packets from an encrypted format to a decrypted format according to at least one of: *IP Sec tunneling protocol; Secure Shell (SSH) tunneling protocol; Secure Sockets Layer/Transport Layer Security (SSL/TLS); and point-to-point tunneling protocol (PPTP)*, as required by amended Claim 1. The Examiner supports this assertion, in Section 7 of the July 15, 2005 Office Action, admitting that the Bao reference as modified by the Examiner, "lacks explicit disclosure of IP sec, SSH, SSL or PPTP." The Bao, Gellens and Raith references thus fail to render the Applicant's invention obvious. Similar arguments hold true for Claims 9 and 17. Accordingly, Applicant respectfully asserts that Claims 1, 9 and 17 contain unique and non-obvious limitations over the art cited, and are thus allowable. Dependants of Claims 1, 9 and 17, Claims 3-8, 11-16 and 19-24, respectively, are also allowable. Applicant therefore respectfully requests favorable reconsideration and withdrawal of the rejection to Claims 1, 3-8, 11-16 and 19-24.

Moreover, even if the Examiner were to combine the Bao, Gellens and Raith references with U.S. Patent No. 6,609,148 to *Salo et al.* (the "Salo reference"), as later suggested in Section 7 of the July 15, 2005 Office Action, Applicant maintains that amended Claims 1, 9 and 17 remain unique and non-obvious over the art. For example, the Salo reference discloses a computer system to provide remote access to data maintained by an enterprise, wherein access is provided to multiple devices through an enterprise gateway. (Salo reference, column 3, line 57 -column 4, line 28). The Salo reference encrypts the data at its transmission site before transmitting the data over, for example, the Internet using encrypting/decrypting software which implements the Point-to-Point Tunneling Protocol (PPTP). (Salo reference, column 12, lines 38-48 and column 13, lines 1-6). The

Salo reference goes on to briefly suggest an alternative encrypting/decrypting software using the

Internet Protocol Security standard (IPSEC). (Salo reference, column 13, lines 12-20). The Salo

reference further goes on to disclose that the PPTP standard provides encryption at the session layer,

while the IPSEC standard provides encryption at the session layer or the network packet processing

layer. (Salo reference, column 13, lines 14-18). Applicant thus asserts that the Salo reference

discloses using encrypting/decrypting software when providing *remote access to enterprise gateway*

servers and centralized data centers. There is no disclosure or suggestion within the Salo reference

of a mobile station capable of communicating with a plurality of *base stations in a wireless network*,

a system to secure *over-the-air administration of a wireless mobile station via a base station* in a

wireless network, or a method of securely transmitting *to a wireless mobile station* as required by the

present claims.

Accordingly, there is no suggestion or motivation in the Bao, Gellens, Raith and Salo

references to prompt one of ordinary skill to selectively and non-inventively *seek out* the Salo

reference for a mobile station capable of communicating with a plurality of *base stations in a*

wireless network and receiving at least one of a software program, a software correction patch and

provisioning data from a server associated with said wireless network, said mobile station

comprising: encryption controller capable of converting said IP packets from an encrypted format to

a decrypted format according to at least one of: *IP Sec tunneling protocol; Secure Shell (SSH)*

tunneling protocol; Secure Sockets Layer/Transport Layer Security (SSL/TLS); and point-to-point

tunneling protocol (PPTP), as required by amended Claim 1.

Similarly, there is no suggestion or motivation in the Bao, Gellens, Raith and Salo references to prompt one of ordinary skill to selectively and non-inventively seek out Salo system for a system *secure over-the-air administration of a wireless mobile station* via a base station in a wireless network, said system capable of transmitting to said wireless mobile station at least one of a software program, a software correction patch and provisioning data from a server associated with said wireless network, said system comprising: encryption controller capable of converting said IP packets from an encrypted format to a decrypted format according to at least one of: *IP Sec tunneling protocol; Secure Shell (SSH) tunneling protocol; Secure Sockets Layer/Transport Layer Security (SSL/TLS); and point-to-point tunneling protocol (PPTP)*, as required by amended Claim 9.

Additionally, there is no suggestion or motivation in the Bao, Gellens, Raith and Salo references to prompt one of ordinary skill to selectively and non-inventively seek out the Salo reference for a method for securely transmitting to a *wireless mobile station* at least one of a software program, a software correction patch and provisioning data from a server associated with the wireless network, the method comprising the steps of: *converting the encrypted IP packets into at least one wireless message according to at least one of: IP Sec tunneling protocol; Secure Shell (SSH) tunneling protocol; Secure Sockets Layer/Transport Layer Security (SSL/TLS); and point-to-point tunneling protocol (PPTP))*, as required by amended Claim 17.

The Bao, Gellens Raith and Salo references thus fail to render the Applicant's invention obvious. Applicant therefore respectfully asserts that Claim 1, 9 and 17 contain unique and non-

obvious limitations over the art cited, and are thus patentably distinguishable. Applicant thus respectfully requests favorable reconsideration and withdrawal of the rejection to Claims 1, 9 and 17.

In Section 7 of the July 15, 2005 Office Action, the Examiner rejected Claims 2, 10 and 18 under 35 U.S.C. §103(a) as being unpatentable over the Bao, Gellens and Raith references as previously applied to Claims 1, 9 and 17 and in further view of the Salo reference. Applicant respectfully disagrees. However, in light of Applicant's request to cancel Claims 2, 10 and 18, the rejection is now moot. Applicant therefore requests withdrawal of the rejection.

SUMMARY

For the reasons given above, the Applicant respectfully requests reconsideration and allowance of pending claims and that this Application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *jmockler@davismunck.com*.
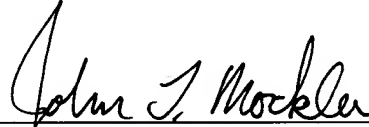
The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

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